



29863

PATENT &amp; TRADEMARK OFFICE

Attorney's Docket No: O0075.424/P424-A

# DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SNOWBOARD BINDING**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 28, 1994 as

Application Serial No. 08/348,844

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to patentability to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 and Title 35, United States Code, §102.

I hereby claim foreign priority benefit under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

☐ Additional Prior Foreign Applications are being listed on separate sheet(s) attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

08/254,889

June 6, 1994

Pending

Application Serial No.

Filing Date

Status - patented, pending,

Application Serial No.

Filing Date

Status - patented, pending,

Application Serial No.

Filing Date

Status - patented, pending,

☐ Additional United States Applications are being listed on separate sheet(s) attached hereto.

As a named inventor, I hereby appoint:

Gary M. Hoffman, Reg. No. 26,411; Donald A. Gregory, Reg. No. 28,954; Thomas J. D'Amico, Reg. No. 28,371; Jon D. Grossman, Reg. No. 32,699; James W. Brady, Jr., Reg. No. 32,115; Mark J. Thronson, Reg. No. 33,082; Kenneth J. Sheehan, Reg. No. 36,270; and Deborah H. Miller, Reg. No. 37,697; Eric Oliver, Reg. No. 35,307; Bruce Bernstein, Reg. No. 34,550 and Kenneth M. Berner, Reg. No. 37,093.

my attorneys with full power of substitution and revocation to prosecute this application and to receive correspondence from and transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to:

DICKSTEIN, SHAPIRO & MORIN, L.L.P.  
2101 L Street, N.W.  
Washington, D.C. 20037

The undersigned hereby authorizes the U.S. attorneys and/or agents named herein to accept and follow instructions from the agents and/or liaisons of the undersigned and/or the assignee of this application as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys and/or agents named herein will be so notified by the undersigned and/or any assignee of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

Full name of sole or first inventor: Shinpei Okajima

Inventor's signature: Shinpei Okajima Date: January 19, 1995Residence: Izumi-shi, Osaka, Japan Citizenship: JAPAN

Post Office Address:

Izumi-shi, Osaka, JAPAN

Full name of second inventor: Yutaka Ueda

Inventor's signature: Yutaka Ueda Date: January 19, 1995Residence: Tondabayashi-shi, Osaka, Japan Citizenship: JAPAN

Post Office Address:

Tondabayashi-shi, Osaka, JAPAN

Full name of third inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_



Additional inventors are being named on separate sheet(s) attached hereto.

**Title 37, Code of Federal Regulations, § 1.56****Duty of disclosure; fraud;  
novelty and loss of right to patent**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

**Title 35, United States Code, § 102****Conditions for patentability;  
novelty and loss of right to patent**

A person shall be entitled to a patent unless —

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

## Title 35, United States Code, § 103

Conditions for patentability;  
non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

## Title 35, United States Code, § 112

## Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. ...

## Title 35, United States Code, § 119

Benefit of earlier filing date in  
foreign country; right of property

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

No application for patent shall be entitled to this right of priority unless a claim therefor and a certified copy of the original foreign application, specification and drawings upon which it is based are filed in the Patent and Trademark Office before the patent is granted, or at such time during the pendency of the application as required by the Commissioner not earlier than six months after the filing of the application in this country. Such certification shall be made by the Patent Office of the foreign country in which filed and show the date of the application and of the filing of the specification and other papers. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he deems necessary.

In the like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding and has not served, nor thereafter shall serve, as a basis for claiming a right of property.

Applications for inventor's certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of property under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefit of the Stockholm Revision of the Paris Convention at the time of such filing.

# ASSIGNMENT

THIS ASSIGNMENT, made this 19th day of ~~January~~, 1995 by SHINPEI OKAJIMA and YUTAKA UEDA (hereinafter referred to as the assignors), residing at Izumi-shi, Osaka, JAPAN and Tondabayashi-shi, Osaka, JAPAN, respectively, witnesseth:

WHEREAS, the said assignors have co-invented certain new and useful improvements in the SNOWBOARD BINDING set forth in an application for Letters Patent of the United States, executed on even date herewith; and

WHEREAS, SHIMANO, INC., a corporation duly organized under and pursuant to the laws of the Country of JAPAN, having its principal place of business at 3-77 Oimatsu-cho, Sakai, Osaka 590, JAPAN (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient considerations, the receipt of which is hereby acknowledged, the said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the said assignee, its successors, legal representatives and assigns, their entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues, reexaminations or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the said assignee, for its own use and behoof and the use and behoof of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, the said assignors hereby covenant and agree to and with the said assignee, its successors, legal representatives and assigns, that the said assignors will, whenever counsel of the said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and provide reasonable and necessary assistance to the said assignee as may be requested by said assignee and as may be

required to permit said assignee to do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, said assignor to be paid for reasonable time expended at a rate of compensation equal to assignor's then existing reasonable hourly consulting fee, which shall be charged to the said assignee, its successors, legal representatives and assigns, all reasonable out-of-pocket cost to be at the expense of the said assignee, its successors, legal representatives and assigns.

AND the said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to the said assignee, as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the said assignee, its successors, legal representatives and assigns.

AND the undersigned hereby grant the following individuals the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document:

Dickstein, Shapiro & Morin, L.L.P.

Gary M. Hoffman, Reg. No. 26,411  
Donald A. Gregory, Reg. No. 28,954  
Thomas J. D'Amico, Reg. No. 28,371  
Jon D. Grossman, Reg. No. 32,699  
James W. Brady, Jr., Reg. No. 32,115  
Mark J. Thronson, Reg. No. 33,082  
Kenneth M. Berner, Reg. No. 37,093  
Kenneth J. Sheehan, Reg. No. 36,270  
Bruce G. Bernstein, Reg. No. 34,550  
Eric Oliver, Reg. No. 35,307  
Laurence E. Fisher, Reg. No. 37,131  
Deborah Miller, Reg. No. 37,679  
Moon Soo Lee, Reg. No. 37,377

Date January 19, 1995

Shinpei Okajima  
SHINPEI OKAJIMA

STATE OF )  
COUNTY OF ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 199 , personally before me came SHINPEI OKAJIMA known to me, and known to me to be the person described in and who signed the annexed assignment, and being duly sworn, acknowledged that he executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_

Date January 19, 1995

Yutaka Ueda  
YUTAKA UEDA

STATE OF )  
COUNTY OF ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 199 , personally before me came YUTAKA UEDA known to me, and known to me to be the person described in and who signed the annexed assignment, and being duly sworn, acknowledged that he executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_

K-66798-CIP  
- DIV. B

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 19, 1999

PATENT

By Elyzabeth J. Deland

Attorney Docket No. SHM-98-005-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
	)	Examiner: J. McClellan
SHINPEI OKAJIMA, et al.	)	
	)	Art Unit: 3611
Serial No.: 08/761,606	)	
	)	
Filed: December 6, 1996	)	
	)	REVOCATION AND SUBSTITUTION
For: SNOWBOARD BINDING	)	OF POWER OF ATTORNEY UNDER
	)	<u>37 CFR § 1.36</u>

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR § 1.36, Shimano, Inc. revokes all previous powers of attorney for the above-captioned patent and hereby appoints the following to transact all business in the Patent and Trademark Office connected therewith:

James A. Deland  
Reg. No. 31,242

Please direct all future correspondence regarding the subject application to:

Deland Law Office  
2010 Crow Canyon Place  
Suite 100  
San Ramon, CA 94583  
Phone: (925) 803-9980

Shimano, Inc.

Date: Feb. 13, 1999

By: Kozo Kitagawa  
Kozo Kitagawa

Title: Asst. Director, Patent & TM Dept.



Attorney Docket No. SHM-98-005-3

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Applicant: SHINPEI OKAJIMA, et al.

Application No.: 08/761,606 Filed: December 6, 1996

Entitled: SNOWBOARD BINDING

SHIMANO, INC.

(Name of Assignee)

, a JAPANESE CORPORATION

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is:

1. ☒ the assignee of the entire right, title and interest; or

2. ☐ An assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7031, Frame(s) 595, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Copies of assignments in the chain of title are attached.

☐ Additional documents in the chain of title are attached:

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

Date : Feb. 13, 1999

Name : KOZO KITAGAWA

Title : Assistant Director, Patent and Trademark Department

Signature : Kozo Kitagawa